

RE: Questions for police and city re: sex crimes

Ciaccia, Jennifer

Wed 8/28/2019 10:40 AM

To: Rachel Dissell <RDissell@plaind.com>; McCall, Valarie <vmccall@city.cleveland.oh.us>
Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>

Hi, Rachel,

We won't be commenting further on this specific case. There have not been any additional detectives added to the Sex Crimes and Child Abuse Unit to date, however there is a list of candidates who will be scheduled to interview in the near future.

Thank you,

Sergeant Jennifer Ciaccia #9176

Cleveland Division of Police, Public Affairs

Office of the Chief

Office: 216-623-5033

Cell: 216-857-1394

Jciaccia2@city.cleveland.oh.us

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From: Rachel Dissell [mailto:RDissell@plaind.com]

Sent: Tuesday, August 20, 2019 1:06 PM

To: Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>; McCall, Valarie <vmccall@city.cleveland.oh.us>

Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>

Subject: Re: Questions for police and city re: sex crimes

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Sgt. Ciaccia,

Just following up one more time. We never received answers to some of our original questions or the follow up questions based on some of the

general statements you provided.

We are sending this email to be clear -- and so we can share with our lawyers for a final review of this story -- that we made every effort possible to get answers to questions from both the city and/or detectives and supervisors involved in the Sandi's case so the story is as accurate as possible.

We are also wondering if, per your earlier email, new detectives have been added to the unit? If so, how many?

Thanks,

Rachel and Andrea.

Rachel Dissell, *The Plain Dealer*

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From: Rachel Dissell <RDissell@plaind.com>

Sent: Thursday, August 8, 2019 6:13 PM

To: Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>; McCall, Valarie <ymccall@city.cleveland.oh.us>

Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>

Subject: Re: Questions for police and city re: sex crimes

Sgt. Ciaccia,

Thanks for sending a response. We are working on the final edits to our story and will include some of the information you provided.

To be clear, is the department declining or refusing to answer our specific questions about decisions made in Sandi Fedor's case?

If so, can you please share why?

If the department won't answer specific questions about the Fedor case, please understand we will have to explain to readers that although attempted to get answers to questions raised in the story, we got no assistance from the city in understanding how decisions were made in the handling of the case. We want the story to be fair and accurate as possible, which is why we are trying to get the best understanding we can.

As for the training information provided below in italic, can you clarify the following:

Newly assigned detectives to the Sex Crimes and Child Abuse Unit now attend training with the Ohio Peace Officer Training Academy for both Core Criminal Investigator and Sexual Assault Investigations.

- **The date the training for newly assigned officers is/was effective? When was the decision made to add this training and who made it?**
- **Are current detectives assigned to the unit receiving the training?**

In

2018, the Division of Police conducted a training for all detectives throughout the city. Detectives were trained on new technology within the Division, including tracking of current and incoming cases.

Please, explain what this means. We don't know what the technology is or how it is used for tracking cases. Is it a checklist for case investigation or a system to track progress of cases being opened and closed and the status of the cases?

Your response included information about supervisors reviewing cases with detectives. What does that review entail? **Do they go through a written checklist of investigative steps? Do they review videos and**

materials? Has the level or type of supervision changed since 2015 and if so, when were new supervisory rules or techniques put in place?

In Sandi's case, there was only a set of supervisor initials at the end of the case file signing off on presenting to a prosecutor and the NFIL designation.

If there is a written checklist that has since been created, can you provide us with a copy so we can be clear on the steps?

Thank you for attaching the Divisional Notice for Sex Crimes. **It says a “limited number” of patrol officers will be added. Do you know the anticipated number? If so, what is the total anticipated number of detectives that will be assigned to the unit after Aug. 19, the date the notice gives for the assignment? One point in the story is that detectives are often added but the numbers are not maintained. Does the city have a commitment to a minimum staffing number?**

“Sexual assault cases remain a high priority within the Division of Police and we hold our investigators to a very high standard,” said Police Chief Calvin D. Williams. “Cases of sexual assault are very personal and emotional and our investigators do remain committed to providing the highest level of service while remaining compassionate and understanding to victims and their families.”

We understand this is the comment from the Chief you are providing. To be clear, we requested to meet with the Chief

and Mayor Frank Jackson. If the unit is a priority and sex crimes are a priority we are unsure why they would be unwilling to have a discussion about the past and future of the unit so the public can understand their commitments and the staffing or other difficulties the city faces more thoroughly. As it stands, we only have past comments and one quote from the Chief that says the department "remains" committed. It seems clear from the memos multiple unit supervisors have written, the department's own internal investigations and public comments and from interviews with victims and advocates that the department's "commitment" to the unit has been questionable.

If that is changing, we'd like to say that and be clear and specific about it.

Additional questions:

1. We were told the sex crimes unit has only two working cruisers available to its detectives currently? Is that accurate?
2. Is the department hiring another consultant to review the sex crimes unit operations and/or staffing?
3. In the past, the department said unit sends on-call detective out to crimes scenes only in "extraordinary" circumstances. Is that still the case?
4. Does the city believe Sandi's case was investigated to the department's and unit's standards?
5. We'll be noting two of the recommendations that the Police Executive Research Forum made that have not been carried out to our knowledge. If we are inaccurate in noting that, please let us know.
 - The sex crimes unit doesn't have an overnight shift to cover the hours when about 1/3 of sexual assaults are reported.
 - Sex crimes unit cases still aren't audited regularly by an

outside entity or external agency.

Thanks
Rachel and Andrea

Rachel Dissell, *The Plain Dealer*
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Reach me at 216-470-9952

From: Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>
Sent: Wednesday, August 7, 2019 1:25 PM
To: Rachel Dissell <RDissell@plaind.com>; McCall, Valarie <vmccall@city.cleveland.oh.us>
Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>
Subject: RE: Questions for police and city re: sex crimes

Rachel,

The Special Victims Section is now under new leadership with Commander Michael Connelly overseeing the Bureau of Special Investigations and Lieutenant Heather Miksch overseeing the Sex Crimes and Child Abuse Unit. Lieutenant Daniel Ross is currently assigned to the Third District. A public records request provided earlier indicated the number of cases assigned to Detective Elaine Evans in 2015. The detectives who investigated Sandi Fedor's case will not be available for interview.

There is currently an anticipated assignment posted for the Sex Crimes and Child Abuse Unit which I have attached. This notice lists the job duties and requirements of an investigator within the Sex Crimes and Child Abuse Unit. Newly assigned detectives to the Sex Crimes and Child Abuse Unit now attend training with the Ohio Peace Officer Training Academy for both Core Criminal Investigator and Sexual Assault Investigations. In addition, investigators receive training from the Cleveland Rape Crisis Center on Victim Centered Interviewing and Forensic Interviewing. The Division of Police continues to partner with the Cleveland Rape Crisis Center to retain advocates embedded within the Sex Crimes and Child Abuse Unit to allow for victim access and support.

Sergeants within the Sex Crimes and Child Abuse Unit conduct regular case reviews with detectives in order to supervise our investigations, understand the status of each case and keep track of the volume of cases assigned to each detective. In circumstances where detectives have a high number of open cases, they can be temporarily removed from rotation and not assigned incoming cases to be afforded the opportunity to investigate and close existing cases. In 2018, the Division of Police conducted a training for all detectives throughout the city. Detectives were trained on new technology within the Division, including tracking of current and incoming cases. Detectives were retrained on proper procedure and protocol. This is now incorporated as a yearly in-service training for detectives.

“Sexual assault cases remain a high priority within the Division of Police and we hold our investigators to a very high standard,” said Police Chief Calvin D. Williams. “Cases of sexual assault are very personal and emotional and our investigators do remain committed to providing the highest level of service while remaining compassionate and understanding to victims and their families.”

Sergeant Jennifer Ciaccia #9176

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From: Rachel Dissell [<mailto:RDissell@plaind.com>]
Sent: Monday, August 05, 2019 10:52 AM
To: Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>; McCall, Valarie <vmccall@city.cleveland.oh.us>
Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>
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Thank you. Appreciate the response.

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From: Ciaccia, Jennifer <jciaccia2@city.cleveland.oh.us>
Sent: Monday, August 5, 2019 10:49 AM
To: Rachel Dissell; McCall, Valarie
Cc: Andrea Simakis; Williams, Daniel; Gallagher, David; Hunter,

Latoya

Subject: RE: Questions for police and city re: sex crimes

Rachel,

We should have some updates for you later today or tomorrow morning. I am working with the Special Victims Section to get information.

Sergeant Jennifer Ciaccia #9176
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From: Rachel Dissell [<mailto:RDissell@plaind.com>]
Sent: Monday, August 05, 2019 10:26 AM
To: McCall, Valarie <vmccall@city.cleveland.oh.us>
Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>
Subject: Re: Questions for police and city re: sex crimes

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Thanks Valarie. We never heard back last week.

r

Rachel Dissell, *The Plain Dealer*

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From: McCall, Valarie <vmccall@city.cleveland.oh.us>

Sent: Wednesday, July 31, 2019 4:34 PM

To: Rachel Dissell <RDissell@plaind.com>

Cc: Andrea Simakis <ASimakis@plaind.com>; Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>; Gallagher, David <DGallagher@city.cleveland.oh.us>; Hunter, Latoya <LHunter@city.cleveland.oh.us>

Subject: RE: Questions for police and city re: sex crimes

Hi Rachel,

Thank you very much for sharing this. I did inquire about the status of your request and know that Sgt. Ciaccia is following up internally. I will have Latoya, Dan and or Sgt. Ciaccia get you an update this week.

Thanks,

Valarie

Valarie J. McCall

Chief of Communications, Government & International Affairs
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From: Rachel Dissell [<mailto:RDissell@plaind.com>]
Sent: Wednesday, July 31, 2019 2:48 PM
To: McCall, Valarie <vmccall@city.cleveland.oh.us>
Cc: Andrea Simakis <ASimakis@plaind.com>
Subject: Fw: Questions for police and city re: sex crimes

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Valarie,

Below are the questions my colleague Andrea Simakis sent to Dan Williams and Sgt. Jennifer Ciaccia on July 9th. Per our conversation, I am forwarding them to you.

A little background here to get you up to speed.

We started reporting on this story in June of 2018 when the

victim Sandi Fedor contacted us. Her case had been dragging on for almost three years at that point. She was desperate for help and someone gave her my name. Her rapist did get interviewed and indicted several weeks after we initially inquired about the case and we continued to report on her story as it went through the court system. We requested records in her case that took more than five months and many, many phone calls and the involvement of a lawyer to obtain.

The story, as I mentioned in our conversation, looks both at Sandi's case and the historical issues with the sex crimes unit and support for the investigations of sex crimes that goes back decades.

We have asked in the past for interviews for this story. We asked police to talk about it when I first started reporting but were not granted an interview with then Lt. Dan Ross, who was overseeing the unit.

After we got the files, which include videos and audio recordings as well as reports and notes, we had a few additional questions or clarifications because we want to be as accurate as possible -- that's always the aim.

If the questions can be answered, we'd like those answers. If they can't be answers we think we should get the courtesy of a response that says that.

As for the bigger picture, we've done plenty of stories about sex crimes cases, investigations and the unit in the recent years. We have asked multiple times to talk to Chief Calvin Williams and the Mayor about the issues, but we have not been granted an actual conversation. That leaves us with the only option of piecing together their statements in public meetings and press conferences and hoping that gives our readers an idea of how they view the topic.

In reality, maybe the fact that they haven't been willing to sit

down and talk to us about such an important topic might speak louder than their silence.

However, because we try to be exceeding cautious, we want to make sure that is the choice that is being made and that our messages are making it to them.

We appreciate your willingness to assist with that.

Thanks

Rachel

Rachel Dissell, *The Plain Dealer*

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Reach me at 216-470-9952

From: Andrea Simakis <ASimakis@plaind.com>

Sent: Tuesday, July 9, 2019 11:21 AM

To: Williams, Daniel <dwilliams4@city.cleveland.oh.us>; Ciaccia, Jennifer <JCiaccia2@city.cleveland.oh.us>

Cc: Rachel Dissell <RDissell@plaind.com>

Subject: Questions for police and city re: sex crimes

Dan and Sgt. Ciaccia,

We are nearly finished with a story about a Cleveland police investigation into a 2015 rape. I'm sure you are both familiar with the records we have requested in relation to the case of Sandra Fedor. We've reviewed the police file and videos provided to us.

We have several specific factual questions where the file was unclear or didn't contain complete information. We don't want to be inaccurate.

The easiest thing to do would be for us to be able to ask the detectives involved (Detectives Elaine Evans, Morris Bruce Vowell and Michael Moctezuma) or their supervisors these specific factual questions. We are making that request.

In addition, we have some broader questions about the city's commitment to investigating sex crimes cases including about the unit's staffing and training methods.

We'd like Chief Williams and Mayor Jackson to sit down with us to address those questions. If this is not possible, we will include in the story that this request was denied.

If the city will not grant these requests for in-person interviews, here are the questions we feel are most important to have answered by next Wednesday, July 17.

General factual questions:

1. How many cases was Det. Elaine Evans assigned in 2015? A unit "audit" provided to us through a public records request shows Detective Evans was assigned 88 cases in 2015. Is that number accurate?
2. Did Detective Elaine Evans' supervisor review the Sandi Fedor case file before the case was presented to a city prosecutor and/or labeled No Further Investigative Leads?
3. In her 18-line final synopsis of Sandi Fedor's case, Detective Elaine Evans writes that "*The victim wouldn't give me the name of her friend who she said gave her this suspect's phone number.*" The video interview of Sandi Fedor clearly shows she gave the detective the friend's first name and phone number from her printed out phone log and the suspect's first name and phone number from the phone log.

We want to give Detective Evans and/or the supervisor who signed off on the synopsis the ability to respond to the fact that we are going to say that the detective's synopsis is

inaccurate. If Detective Evans and/or the supervisor are not made available to comment, does the city have a response?

4. In May of 2017, Sandi and Gabe Fedor met with Detective Elaine Evans and gave her William Thomas' full name and information on his criminal record. Shortly after Evans left the unit, the case was re-assigned to Det. Morris Bruce Vowell on June 23, 2017. He did not work on the case until 11/28/18. Why was there such a long delay between the case being re-assigned and the victim being re-contacted?
5. In the case file, Detective Morris Bruce Vowell on 11/28/2017 said he emailed "Stephanie Sparks" about bringing the suspect William Thomas back from prison for an interview. On 4/20/18, Vowell notes he needed to go to the prison and get a search warrant for a buccal swab and an interview. On 6/18/2018 Detective Michael Moctezuma noted he needed to go to the prison and interview Thomas and get a buccal swab. Are there specific reasons that it took more than 6 months for detectives to get permission to conduct an interview with William Thomas and collect his DNA?
6. Why was Lt. Daniel Ross moved out of his supervisory role in the sex crimes unit in 2019?
7. As part of reporting this story, we are pointing out chronic understaffing in the Cleveland sex crimes unit. We will be referencing promises made over many decades by chiefs and mayors that detectives would be added to the unit. Outside and internal reviews have concluded that the unit is still understaffed, including a recent Cleveland Division of Police staffing report that said the sex crimes unit needed 30 detectives to conduct "thorough" investigations.
 - a. Does Chief Williams believe the unit is understaffed?
 - b. Why has the city never committed enough detectives to this unit?

c. Chief Williams told City Council earlier this year that combatting violent crime is one of his top priorities. Does that include sex crimes? If so, how does he plan to improve the department's ability to solve sex crimes?

8. A sex crimes supervisor recently told the safety committee that sex crimes detectives get 120 days of on-the-job training when they join the unit but receive no specialized formal training in sex crimes investigations. This is not a best practice or recommended protocol for this level of detective work.

In 2014, PERF suggested all current sex crimes detectives receive 40 hours of specialized sexual assault investigative training. Why is there still no such formal training?

9. In 2014, PERF recommended twice-a-year audits of the sex crimes unit by an external agency. Safety Director Michael McGrath said he would take responsibility for designing protocol for regular audits. Have protocols been established? If so what are they? Have regular audits been done? If not, why not?

10. Has any sex crimes or department supervisor reviewed the way Sandi Fedor's case was investigated? If so what did he or she conclude about the quality of the investigation?

Clarifying or context questions for Detective Michael Moctezuma:

11. Why did you decide to interview Sandi Fedor's husband Gabriel Fedor? Was there a specific reason to ask him if he was responsible for Sandi's injuries?

For Detective Elaine Evans:

12. Did you ever call the numbers Sandi Fedor provided from her phone log for "Terrance Adams" or for "Will" Thomas? (As we pointed out before, in the video of Detective Evans's interview of Sandi Fedor, Sandi provides the detective with numbers for "Terrance" and "Will," men who are later identified as Terrance Adams and William Thomas. However, there are no notes in the file indicating that the detective ever made these calls. We want to make sure we have all the

available notes and materials.)